IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the July 5, 2006
Criminal Bail Application No. 583 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Ahmed Nabi S/o Sri Shubrati
R/o Richcha
P.S. Devrania
District Udham Singh Nagar ….Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 684 of 2006
Under Sections 363, 366, 376 of I.P.C.
P.S. Kichcha
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 684 of 2006 under Sections 363, 366, 376 of I.P.C., P.S. Kichcha, District Udham Singh Nagar.

Heard Sri J.S. Virk, learned counsel for the applicant, learned A.G.A. and perused the record.

Km. Aftab Jahan is alleged to have been kidnapped by the applicant and was subjected to rape subsequently by the applicant.

The record shows that the First Information Report in this case was lodged after five days. The statement of the prosecutrix also reveals that she visited several places with the applicant who made no hue and cry at any point of time.

The medical examination report of the prosecutrix also reveals that there was no external mark of injury on her person and her age was also between 18 and 19 years at the time of occurrence.

The applicant is in jail since 24.04.2006 and learned A.G.A. could not show any criminal history of the applicant before me.

Having considered the aforesaid facts and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

05.07.2006